

AMENDED IN ASSEMBLY JUNE 24, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 252

Introduced by Senator Liu

February 12, 2013

An act to amend Section 11320.3 of, and to add ~~Section~~ *Sections 11218 and 11322.67* to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, Liu. CalWORKs: welfare-to-work requirements.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. As part of the CalWORKs program, participants, unless specifically exempted, are required to participate in welfare-to-work activities. Existing law exempts from the welfare-to-work requirements a woman who is pregnant and for whom it has been medically verified that the pregnancy impairs her ability to be regularly employed or participate in welfare-to-work activities. Existing law also requires that a recipient be excused for good cause when the county has determined there is a condition or circumstance that temporarily prevents or significantly impairs the recipient's ability to be regularly employed or participate in welfare-to-work activities.

This bill would specify that a pregnant woman who is unable to obtain that medical verification but is otherwise eligible for the good cause exemption shall be exempt from participation in welfare-to-work activities. The bill would authorize a pregnant woman to satisfy welfare-to-work participation requirements, as specified, by participating in a voluntary maternal, infant, and early childhood home visiting program or another home visiting program for low-income Californians that is approved by the United States Department of Health and Human Services, subject to the receipt of a federal waiver, as provided.

Under existing law, a mother may breastfeed her child in any location, public or private, except the private home or residence of another, where the mother and the child are otherwise authorized to be present.

This bill would state that an applicant or recipient of CalWORKs is entitled to breastfeed her child in any public area, or area where the mother and the child are authorized to be present, in a county welfare department or other county office, and that this provision is declaratory of existing law. The bill would make related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The benefits of breastfeeding for women include a lowered
- 4 risk of breast and ovarian cancer, as well as a reduced risk of
- 5 developing type 2 diabetes and maternal cardiovascular disease.
- 6 For infants, the benefits of breastfeeding include reduced risk of
- 7 ear infections, diarrhea, and respiratory illnesses, as well as
- 8 reduced incidence and severity of allergies, asthma, and obesity,
- 9 among many other health benefits.
- 10 (b) The economic benefits of breastfeeding to families, health
- 11 care systems, and employers are also well documented. It is
- 12 estimated that the United States would save \$13 billion and save
- 13 900 lives if 90 percent of women breastfed in accordance with
- 14 health care recommendations.
- 15 (c) The documented advantages breastfeeding confers to both
- 16 mother and baby have been upheld in policy statements by every
- 17 major professional medical organization. In 2012, the American

1 *Academy of Pediatrics stated: “Given the documented short and*
2 *long term medical and neurodevelopmental advantages of*
3 *breastfeeding, infant nutrition should be considered a public health*
4 *issue and not only a lifestyle choice.”*

5 *SEC. 2. Section 11218 is added to the Welfare and Institutions*
6 *Code, to read:*

7 *11218. (a) An applicant or recipient of aid under this chapter*
8 *is entitled to breastfeed her child in any public area, or area where*
9 *the mother and the child are authorized to be present, in a county*
10 *welfare department or other county office.*

11 *(b) This section is declaratory of existing law.*

12 ~~SECTION 1.~~

13 *SEC. 3. Section 11320.3 of the Welfare and Institutions Code*
14 *is amended to read:*

15 *11320.3. (a) (1) Except as provided in subdivision (b) or if*
16 *otherwise exempt, every individual, as a condition of eligibility*
17 *for aid under this chapter, shall participate in welfare-to-work*
18 *activities under this article.*

19 *(2) Individuals eligible under Section 11331.5 shall be required*
20 *to participate in the Cal-Learn Program under Article 3.5*
21 *(commencing with Section 11331) during the time that article is*
22 *operative, in lieu of the welfare-to-work requirements, and*
23 *subdivision (b) shall not apply to that individual.*

24 *(b) The following individuals shall not be required to participate*
25 *for so long as the condition continues to exist:*

26 *(1) An individual under 16 years of age.*

27 *(2) (A) A child attending an elementary, secondary, vocational,*
28 *or technical school on a full-time basis.*

29 *(B) A person who is 16 or 17 years of age, or a person described*
30 *in subdivision (d) who loses this exemption, shall not requalify*
31 *for the exemption by attending school as a required activity under*
32 *this article.*

33 *(C) Notwithstanding subparagraph (B), a person who is 16 or*
34 *17 years of age who has obtained a high school diploma or its*
35 *equivalent and is enrolled or is planning to enroll in a*
36 *postsecondary education, vocational, or technical school training*
37 *program shall also not be required to participate for so long as the*
38 *condition continues to exist.*

39 *(D) For purposes of subparagraph (C), a person shall be deemed*
40 *to be planning to enroll in a postsecondary education, vocational,*

1 or technical school training program if he or she, or his or her
2 parent, acting on his or her behalf, submits a written statement
3 expressing his or her intent to enroll in such a program for the
4 following term. The exemption from participation shall not
5 continue beyond the beginning of the term, unless verification of
6 enrollment is provided or obtained by the county.

7 (3) An individual who meets either of the following conditions:

8 (A) The individual is disabled as determined by a doctor's
9 verification that the disability is expected to last at least 30 days
10 and that it significantly impairs the recipient's ability to be
11 regularly employed or participate in welfare-to-work activities,
12 provided that the individual is actively seeking appropriate medical
13 treatment.

14 (B) The individual is of advanced age.

15 (4) A nonparent caretaker relative who has primary
16 responsibility for providing care for a child and is either caring for
17 a child who is a dependent or ward of the court or caring for a
18 child in a case in which a county determines the child is at risk of
19 placement in foster care, and the county determines that the
20 caretaking responsibilities are beyond those considered normal
21 day-to-day parenting responsibilities such that they impair the
22 caretaker relative's ability to be regularly employed or to participate
23 in welfare-to-work activities.

24 (5) An individual whose presence in the home is required
25 because of illness or incapacity of another member of the household
26 and whose caretaking responsibilities impair the recipient's ability
27 to be regularly employed or to participate in welfare-to-work
28 activities.

29 (6) A parent or other relative who meets the criteria in
30 subparagraph (A) or (B).

31 (A) (i) The parent or other relative has primary responsibility
32 for personally providing care to a child six months of age or under,
33 except that, on a case-by-case basis, and based on criteria
34 developed by the county, this period may be reduced to the first
35 12 weeks after the birth or adoption of the child, or increased to
36 the first 12 months after the birth or adoption of the child. An
37 individual may be exempt only once under this clause.

38 (ii) An individual who received an exemption pursuant to clause
39 (i) shall be exempt for a period of 12 weeks, upon the birth or
40 adoption of any subsequent children, except that this period may

1 be extended on a case-by-case basis to six months, based on criteria
2 developed by the county.

3 (iii) In making the determination to extend the period of
4 exception under clause (i) or (ii), the following may be considered:

5 (I) The availability of child care.

6 (II) Local labor market conditions.

7 (III) Other factors determined by the county.

8 (iv) Effective January 1, 2013, the parent or other relative has
9 primary responsibility for personally providing care to one child
10 from birth to 23 months, inclusive. The exemption provided for
11 under this clause shall be available in addition to any other
12 exemption provided for under this subparagraph. An individual
13 may be exempt only once under this clause.

14 (B) In a family eligible for aid under this chapter due to the
15 unemployment of the principal wage earner, the exemption criteria
16 contained in subparagraph (A) shall be applied to only one parent.

17 (7) A parent or other relative who has primary responsibility
18 for personally providing care to one child who is from 12 to 23
19 months of age, inclusive, or two or more children who are under
20 six years of age.

21 (8) A woman who is pregnant and for whom it has been
22 medically verified that the pregnancy impairs her ability to be
23 regularly employed or participate in welfare-to-work activities or
24 the county has determined that, at that time, participation will not
25 readily lead to employment or that a training activity is not
26 appropriate. If a pregnant woman is unable to secure this medical
27 verification, but is otherwise eligible for an exemption from
28 welfare-to-work requirements under this section, including good
29 cause for temporary illness related to the pregnancy, she shall be
30 exempt from participation.

31 (c) Any individual not required to participate may choose to
32 participate voluntarily under this article, and end that participation
33 at any time without loss of eligibility for aid under this chapter, if
34 his or her status has not changed in a way that would require
35 participation.

36 (d) (1) Notwithstanding subdivision (a), a custodial parent who
37 is under 20 years of age and who has not earned a high school
38 diploma or its equivalent, and who is not exempt or whose only
39 basis for exemption is paragraph (1), (2), (5), (6), (7), or (8) of
40 subdivision (b), shall be required to participate solely for the

1 purpose of earning a high school diploma or its equivalent. During
2 the time that Article 3.5 (commencing with Section 11331) is
3 operative, this subdivision shall only apply to a custodial parent
4 who is 19 years of age.

5 (2) Section 11325.25 shall apply to a custodial parent who is
6 18 or 19 years of age and who is required to participate under this
7 article.

8 (e) Notwithstanding paragraph (1) of subdivision (d), the county
9 may determine that participation in education activities for the
10 purpose of earning a high school diploma or equivalent is
11 inappropriate for an 18 or 19 year old custodial parent only if that
12 parent is reassigned pursuant to an evaluation under Section
13 11325.25, or, at appraisal is already in an educational or vocational
14 training program that is approvable as a self-initiated program as
15 specified in Section 11325.23. If that determination is made, the
16 parent shall be allowed to continue participation in the self-initiated
17 program subject to Section 11325.23. During the time that Article
18 3.5 (commencing with Section 11331) is operative, this subdivision
19 shall only apply to a custodial parent who is 19 years of age.

20 (f) A recipient shall be excused from participation for good
21 cause when the county has determined there is a condition or other
22 circumstance that temporarily prevents or significantly impairs
23 the recipient's ability to be regularly employed or to participate in
24 welfare-to-work activities. The county welfare department shall
25 review the good cause determination for its continuing
26 appropriateness in accordance with the projected length of the
27 condition, or circumstance, but not less than every three months.
28 The recipient shall cooperate with the county welfare department
29 and provide information, including written documentation, as
30 required to complete the review. Conditions that may be considered
31 good cause include, but are not limited to, the following:

32 (1) Lack of necessary supportive services.

33 (2) In accordance with Article 7.5 (commencing with Section
34 11495), the applicant or recipient is a victim of domestic violence,
35 but only if participation under this article is detrimental to or
36 unfairly penalizes that individual or his or her family.

37 (3) Licensed or license-exempt child care for a child 10 years
38 of age or younger is not reasonably available during the
39 individual's hours of training or employment including commuting
40 time, or arrangements for child care have broken down or have

1 been interrupted, or child care is needed for a child who meets the
2 criteria of subparagraph (C) of paragraph (1) of subdivision (a) of
3 Section 11323.2, but who is not included in the assistance unit.
4 For purposes of this paragraph, “reasonable availability” means
5 child care that is commonly available in the recipient’s community
6 to a person who is not receiving aid and that is in conformity with
7 the requirements of Public Law 104-193. The choices of child care
8 shall meet either licensing requirements or the requirements of
9 Section 11324. This good cause criterion shall include the
10 unavailability of suitable special needs child care for children with
11 identified special needs, including, but not limited to, disabilities
12 or chronic illnesses.

13 (g) (1) Paragraph (7) of subdivision (b) shall be implemented
14 notwithstanding Sections 11322.4, 11322.7, 11325.6, and 11327,
15 and shall become inoperative on January 1, 2013.

16 (2) The State Department of Social Services, in consultation
17 with the County Welfare Directors Association of California, and
18 advocates, shall develop a process to assist clients with
19 reengagement in welfare-to-work activities, pursuant to subdivision
20 (h). Reengagement activities may include notifying clients of the
21 expiration of exemptions, reassessments, and identifying necessary
22 supportive services.

23 (h) (1) A recipient who was not required to participate in
24 welfare-to-work activities on December 31, 2012, because, in
25 accordance with paragraph (7) of subdivision (b), he or she is a
26 parent or other relative who has primary responsibility for
27 personally providing care to one child who is from 12 to 23 months
28 of age, inclusive, or two or more children who are under six years
29 of age shall not be required to participate until the county welfare
30 department reengages the recipient in welfare-to-work activities.

31 (2) For purposes of this subdivision, reengagement in
32 welfare-to-work activities shall include the development of a
33 welfare-to-work plan in accordance with Section 11325.21 and
34 the provision of necessary supportive services pursuant to Section
35 11323.2.

36 (3) County welfare departments shall reengage all recipients
37 described in paragraph (1) by January 1, 2015, unless the recipient
38 is otherwise eligible for an exemption under subdivision (b).

39 (4) A recipient reengaged in accordance with this subdivision
40 who has received assistance under this chapter, or from any state

1 pursuant to the Temporary Assistance for Needy Families program
2 (Part A (commencing with Section 401) of Title IV of the federal
3 Social Security Act (42 U.S.C. Sec. 601 et seq.)), may continue
4 in a welfare-to-work plan that meets the requirements of Section
5 11322.6 for a cumulative period of 24 months commencing the
6 first day of the first month after he or she is reengaged, unless or
7 until he or she exceeds the 48-month time limitation described in
8 Section 11454.

9 (5) All months of assistance described in paragraph (4) prior to
10 the reengagement of the recipient shall not be applied to the
11 24-month limitation described in paragraph (1) of subdivision (a)
12 of Section 11322.85.

13 ~~SEC. 2.~~

14 *SEC. 4.* Section 11322.67 is added to the Welfare and
15 Institutions Code, to read:

16 11322.67. (a) If a pregnant woman is required to participate
17 in work under this article, she may satisfy the work participation
18 requirements by participating in a voluntary maternal, infant, and
19 early childhood home visiting program or another voluntary home
20 visiting program for low-income Californians that is approved by
21 the United States Department of Health and Human Services. The
22 hours that the woman participates in the home visiting program
23 shall be applied to the work participation hours required by Section
24 11322.8 for a period of no longer than 10 months.

25 (b) In accordance with Section 11329.2, this section shall be
26 implemented only upon receipt of a waiver of compliance with
27 Section 602 of Title 42 of the United States Code by the United
28 States Department of Health and Human Services, for purposes
29 of establishing more effective ways to meet the goals of
30 CalWORKs, particularly helping parents successfully prepare for
31 employment and supporting the health and well-being of children.